

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80119 of 2025

Arising Out of PS. Case No.-63 Year-2025 Thana- PAROO District- Muzaffarpur

Pankaj Kumar, S/o Sahtu Bhagat @ Sahatu Bhagat, R/o Village-Anandi
Chapra, P.S.- Sabebganj, Dist.- Muzaffarpur

... .. Petitioner

Versus

1. The State of Bihar
2. XXX, D/o Upendra Bhagat, R/o Village-Kodariya Mango, P.S.- Paroo, Dist.-
Muzaffarpur

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

For the Informant/OP. No.2: Mr. Nachiketa Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 26-02-2026 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State duly assisted by

learned counsel appearing for the informant.

2. The accused/petitioner is named in the FIR and
apprehending his arrest in connection with Paroo P.S. Case
No.63 of 2025 arising out of Complaint Case No.342 of 2024
registered under Sections 296, 64, 318(4) of the Bhartiya
Nyaya Sanhita, 2023 (in short 'B.N.S.') as well as Sections 4,
12 of the Protection of Children from Sexual Offences Act (in
short 'POCSO Act'), Sections 67 and 67-B of the Information
and Technology Act.



3. As per FIR, which is based upon Complaint Case No.342 of 2024 lodged before POCSO Court No.-II, Muzaffarpur, the petitioner established physical relationship with informant since February, 2021 on the false pretext of marriage after taking her nude video while she was in her bathroom.

4. It is submitted by learned counsel appearing for petitioner that for the occurrence, which alleged to be taken place in the month of February, 2021, the FIR was lodged on the basis of complaint, which was filed on 9th September, 2024 i.e. after three and half years. It is submitted that the delay not appears properly explained through complaint petition. It is submitted that in fact the marriage of petitioner was negotiated with informant and when for any of the social reasons, the said marriage could not finalize, the present false case was lodged particularly, for the recovery of Rs. 5 lakhs spent on the occasion of marriage negotiation and for purchasing certain gifts. It is submitted that the victim was major even on the first date of occurrence and in support of his submission, learned counsel drawn attention of this Court towards paragraph No.82 of the case diary, where a reference



of statement of the victim as recorded under Section 180 of the BNNS was taken into consideration, where she has categorically stated that her nude photographs was taken in the month of May-June, 2023 by the petitioner and relationship was established in the month of month of May or June, 2024, therefore, even on the first date when the alleged photographs of victim was taken, she was of 18 years and three months. It is submitted that lodging of this case under POCSO Act is only to aggravate the allegation and, therefore, the cause of action was made through complaint petition saying that occurrence took place in February, 2021, which appears incorrect in view of aforementioned facts.

5. Arguing further, it is further submitted that the informant herself refused to join the medical examination in support of allegation.

6. Learned APP duly assisted by Mr. Nachiketa Jha, learned counsel appearing for the informant while opposing the prayer of bail submitted that the allegation is specifically against the petitioner. It is submitted that the date on which the photographs was taken, the victim was minor as per complaint petition.



7. In view of aforesaid factual submissions and by taking note of fact as primarily the dispute raised in the background of negotiation of marriage and for the recovery of gifts and cash spent on marriage negotiation day, accordingly, the petitioner, above-named, in the event of his arrest or surrender in the court below within a period of four weeks from today, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions Judge-cum-Exclusive Court POCSO-II, Muzaffarpur in connection with Paroo P.S. Case No.63 of 2025 arising out of Complaint Case No.342 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure (in short ‘CrPC’)/under Section 482(2) of the Bhartiya Nagrik Suraksha Sanhita, 2023 (in short ‘BNSS’).

(Chandra Shekhar Jha, J.)

Sanjeet/-

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